

Proposed Action on the September 2010 Section 126 Petition from New Jersey Regarding SO₂ Emissions from the Portland Generating Station

Fact Sheet

Action:

- On March 31, 2011, the Environmental Protection Agency (EPA) proposed to grant a petition submitted by the New Jersey Department of Environmental Protection (NJDEP) under section 126 of the Clean Air Act.
- The petition asks EPA to determine that the coal-fired Portland Generating Station (Portland Plant) in Northampton County, Pennsylvania, is emitting air pollutants that are impacting air quality in Warren, Sussex, Morris and Hunterdon Counties in New Jersey in violation of the interstate transport provisions of the Clean Air Act (CAA).
- EPA is proposing to find that the Portland Plant is contributing significantly to nonattainment of the 1-hour sulfur dioxide (SO₂) national air quality standard in New Jersey based on NJDEP's air quality modeling. Air quality modeling results projected impacts well above the level of the 1-hour SO₂ standards. To remedy this problem, EPA is proposing SO₂ emissions limits and compliance schedules at the Portland Plant. These limits would reduce SO₂ emissions from the plant at the coal-fired units 1 and 2 by approximately 81 percent.
- New Jersey has been monitoring SO₂ concentrations in Warren County since September 23, 2010. Based on preliminary data from the site, ground level concentrations are exceeding the level of the 1-hour SO₂ standard. The Portland Plant is located directly across the Delaware River (on the Pennsylvania-New Jersey state border).
- New Jersey conducted several air quality modeling analyses to evaluate SO₂ levels in the state. These analyses show that the level of SO₂ in the air is exceeding the agency's 1-hour national air quality standard and that the Portland plant is the main source of emissions. EPA also conducted its own modeling analyses and found the same results.
- Typically a mix of sources from multiple locations is responsible for air quality issues in a specific area. However, in this case, extensive analysis shows a clear connection between the emissions from the Portland plant alone and the elevated level of SO₂ in New Jersey.
- EPA will accept comment on this proposed action until May 27, 2011. EPA will hold a public hearing on this proposed rule on April 27, 2011 at the Pequest Trout Hatchery and Natural Resources Education Center, 605 Pequest Road, Oxford, New Jersey 07863.

Background:

- The CAA allows any state or political subdivision to petition EPA to find that a specific source or group of sources emits or would emit any air pollutant at levels that violate the interstate transport provisions of the Act.
- If the Administrator finds the source's emissions are violating the interstate transport provisions of the Act, continued operation can be permitted only if the source complies with any emission limits and compliances schedules (including increments of progress) set by the Administrator to ensure compliance as soon as possible, but no later than three years from the date of the finding.
- The interstate transport provisions of the CAA require states to address their air emissions that significantly contribute to nonattainment of the National Ambient Air Quality Standards (NAAQS) and interfere with maintenance of the NAAQS in other states.
- On May 13, 2010, NJDEP submitted a section 126 petition claiming that emissions from the Portland Plant significantly contribute to nonattainment or interfere with maintenance of the 2006 24-hour fine particulate (PM_{2.5}) NAAQS and the 3-hour and 24-hour SO₂ NAAQS.
- EPA received a second petition on September 17, 2010, requesting that EPA make a finding under section 126(b) of the CAA that the Portland Plant is emitting air pollutants in violation of the interstate transport provisions of the CAA with respect to the 1-hour SO₂ NAAQS in areas in New Jersey.
 - Although NJDEP identified the September 17, 2010 petition as a supplement to the May 13, 2010 submittal, EPA is regarding it as an entirely new petition since the 1-hour SO₂ NAAQS had not been promulgated at the time of the first petition and did not constitute a basis for that petition.
 - On June 2, 2010, EPA revised the primary SO₂ NAAQS by establishing the new 1-hour SO₂ NAAQS at a level of 75 parts per billion (ppb), based on the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations.
- Today's proposal is a response to the September 2010 petition. The petition submitted on May 2010 petition is still under consideration and this action does not address significant contribution to nonattainment and interference with maintenance of the 2006 PM_{2.5} NAAQS or the 3-hour and 24-hour SO₂ NAAQS.

How to Comment:

- Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2011-0081, by one of the following methods:
 - <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
 - E-mail: a-and-r-docket@epa.gov.
 - Fax: 202-566-9744.

- Mail: Environmental Protection Agency, EPA Docket Center (EPA/DC), Air and Radiation Docket and Information Center, Mail Code: 6102T, 1200 Pennsylvania Ave., NW, Washington, DC, 20460. Please include two copies.
- Hand Delivery: U. S. Environmental Protection Agency, EPA West (Air Docket), 1301 Constitution Avenue, Northwest, Room 3334, Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Additional Information:

- EPA has established a docket for this rulemaking under Docket ID number EPA–HQ–OAR–2011–0081.
- Interested parties can download the proposal from EPA's web site on the Internet under recent actions at the following address: <http://www.epa.gov/ttn/oarpg/new.html>.
- Today's proposal and other background information are also available either electronically at <http://www.regulations.gov>, EPA's electronic public docket and comment system, or in hardcopy at the EPA Docket Center's Public Reading Room.
 - The Public Reading Room is located in the EPA Headquarters, Room Number 3334 in the EPA West Building, located at 1301 Constitution Ave., NW, Washington, DC. Hours of operation are 8:30 a.m. to 4:30 p.m. eastern standard time, Monday through Friday, excluding Federal holidays.
 - Visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor materials will be processed through an X-ray machine as well. Visitors will be provided a badge that must be visible at all times.
 - Materials for this action can be accessed using EPA–HQ–OAR–2011–0081.
- For additional information on this action, please contact Gobeail McKinley at mckinley.gobeail@epa.gov, or 919-541-5246.